

## Message Text

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PAGE 01 STATE 129917  
ORIGIN INT-05

INFO OCT-01 EA-09 L-03 IO-14 ISO-00 /032 R

DRAFTED BY INT/DOA:JBERG:DY  
APPROVED BY INT/DOA:RVANCLEVE  
-----062113Z 087995 /75  
P 062025Z JUN 77  
FM SECSTATE WASHDC  
TO HICOMTERPACIS PRIORITY

UNCLAS STATE 129917

E.O. 11652: N/A

TAGS: OGEN, TQ

SUBJECT: NITIJELA BILL NO. 117

DOA NO. 281-TT

FOR AHC SABLAN FOLLOWING IS TEXT OF MESSAGE DISAPPROVING  
NITIJELA BILL NO. 117 TO BE TRANSMITTED BY ACTING DISTAD  
KABUA. BEGIN TEXT:

QUOTE. DEAR MR. ANIEN:

I AM RETURNING HERewith NITIJELA BILL NO. 117, "TO AMEND  
CHAPTER 16 OF THE MARSHALL ISLANDS CODE BY DECLARING  
CERTAIN METAL DEBRIS, MINERAL DEPOSITS, MARINE LIFE AND  
MARINE VEGETATION TO BE OWNED BY THE PEOPLE OF THE MARSHALL  
ISLANDS" WHICH WAS ADOPTED BY THE 24TH REGULAR SESSION OF  
THE NITIJELA ON MAY 2, 1977. I HAVE DISAPPROVED THE BILL  
FOR THE REASONS STATED BELOW.

SECTION 1 OF BILL NO. 117 WOULD ADD A SECTION 16.401 TO  
THE MARSHALL ISLANDS CODE TO THE EFFECT THAT ALL METAL  
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DEBRIS NOW LOCATED IN ANY LAGOON WITHIN THE TERRITORIAL  
BOUNDARIES OF THE MARSHALL ISLANDS WOULD BE DECLARED OWNED  
BY THE PEOPLE OF THE MARSHALL ISLANDS. AS YOU MAY KNOW,

THE UNITED STATES GOVERNMENT CLAIMS OWNERSHIP OF SOME  
MATERIALS IN LAGOONS IN THE MARSHALL ISLANDS AND HAS NOT  
RELINQUISHED THOSE CLAIMS.

SECTION 1 OF THE BILL WOULD ALSO ASSERT OWNERSHIP BY THE PEOPLE OF THE MARSHALL ISLANDS OF THE SEA BED, MINERAL DEPOSITS, MARINE LIFE AND VEGETATION LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF THE MARSHALLS AND WITHIN A 200 MILE ZONE EXTENDING OUT FROM THE REEF EDGES OF THE ISLANDS AND ATOLLS OF THE MARSHALL ISLANDS. THE MATTER OF MARINE RESOURCES JURISDICTION IS ONE WHICH VERY DIRECTLY INVOLVES THE ADMINISTERING AUTHORITY. AS RECENTLY AS THE HONOLULU CONFERENCE TWO WEEKS AGO, THE UNITED STATES REPRESENTATIVE STATED THAT MARINE RESOURCES JURISDICTION IN MICRONESIA IS A MATTER TO BE SETTLED WITHIN THE CONTEXT OF THE POLITICAL STATUS NEGOTIATIONS. IT WOULD THEREFORE NOT APPEAR APPROPRIATE FOR THE MARSHALL ISLANDS DISTRICT TO ACT UNILATERALLY ON THE MATTER OF MARINE RESOURCES JURISDICTION AT THIS TIME. A THIRD MATTER OF CONCERN WITH BILL NO. 117 IS THAT IN CERTAIN CASES IT WOULD RELEGATE TO PUBLIC DOMAIN LAND TO WHICH THERE MAY ATTACH TRADITIONAL USE RIGHT OR INTEREST. IT MAY BE INAPPROPRIATE AT THIS TIME FOR THE NITIJELA TO TAKE SUCH ACTION RELATIVE TO TRADITIONAL LAND.

THIS MATTER HAS BEEN DISCUSSED BY DISTRICT ADMINISTRATOR DEBRUM WITH HIGH COMMISSIONER WINKEL AND THE DIRECTOR OF THE OFFICE OF TERRITORIAL AFFAIRS IN WASHINGTON. BOTH BELIEVE THIS BILL SHOULD BE VETOED FOR THE REASONS STATED ABOVE.

SINCERELY,  
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PHILIP KABUA QUOTE

END TEXT. DIRECTOR OF TERRITORIAL AFFAIRS SENDS. VANCE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
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**Concepts:** n/a  
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**SAS ID:** 2260021  
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**Status:** NATIVE  
**Subject:** NITIJELA BILL NO. 117 DOTA NO. 281-TT FOR AHC SABLAN FOLLOWING IS TEXT OF MESSAGE DISA  
**TAGS:** OGEN, TQ  
**To:** HICOMTERPACIS SAIPAN  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
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EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009